Ohio Aquatic Invasive Species Committee

Vessel Incidental Discharge Act (S. 168)

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Director of Environmental and Regulatory Affairs
Lake Carriers’ Association
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### VIDA – OVERVIEW

<table>
<thead>
<tr>
<th>Most current version: March 30, 2017</th>
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<tbody>
<tr>
<td>22 Co-sponsors including three Great Lakes senators</td>
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<tr>
<td>Voted out of CST Committee</td>
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<tr>
<td>Included in S. 1129 – USCG Reauthorization as Title VIII</td>
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<tr>
<td>“Discharge Incidental to the Normal Operation of a Commercial Vessel”</td>
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<td>Ballast water</td>
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SECTION 803

“Existing Ballast Water Regulations”

803(a)
• Any regulation issued pursuant to Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 remain in effect until new regulations are finalized
**SECTION 804**

**“Ballast Water Discharge Requirements”**

<table>
<thead>
<tr>
<th>804(a)(1)(A)</th>
<th>• Discharges using BATEA to meet discharge standard or off-vessel options</th>
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<tbody>
<tr>
<td>804(a)(2)(A)</td>
<td>• Codifies ballast water exchange for “salties”</td>
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<td>• Comply with 33 CFR 151, Subpart C, Great Lakes provisions</td>
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<tr>
<td>804(b)(1)</td>
<td>• All commercial vessels are covered that carry ballast water in U.S. waters</td>
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<tr>
<td>804(b)(2)</td>
<td>Vessels exempted from meeting a specific discharge standard include:</td>
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<td>• Uses a continuous flow-through system</td>
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<td>• Discharges only potable water per Safe Drinking Water Act</td>
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<td></td>
<td>• Operates in a “Geographically Limited Area”</td>
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</table>
SECTION 805

“Review of Ballast Water Discharge Standard”

805(a)
• Effectiveness Review

805(a)(2)
• January 1, 2022 and every 10 years thereafter

805(a)(3)(A)
• State petition process to request a review when new information indicates a revision to discharge standard that could reduce introduction of aquatic nuisance species

805(a)(3)(B)
• States may petition as often as every two years
## Section 805

### “Review of Ballast Water Discharge Standard”

**805(b)**
- Practicability Review

**805(b)(1)**
- USCG in consultation with U.S. EPA determines if a ballast water management system is capable of achieving proposed standard (economics/operation)
- Testing protocols can assure accurate measure of compliance

**805(b)(2)**
**USCG verify:**
- Capability of systems to meet new standard
- Effectiveness and reliability of those systems
- Compatibility with vessels on which they will be used
- Commercial availability
- Safety of the systems
SECTION 805

“Review of Ballast Water Discharge Standard”

805(c)
- Discharge Standard Revision

805(c)
USCG in consultation with U.S. EPA will revise the discharge standard when
- A ballast water management system is capable of meeting the new standard and is economically achievable and operationally practicable
- Testing protocols can assure measurement of compliance
SECTION 805

“Review of Ballast Water Discharge Standard”

805(d)
• Effective Date and Compliance Deadline

805(d)(1)
• New ballast water discharge standard must take effect within three years

805(d)(5)
Ballast water management systems can remain in use as long as they are functioning even after a new standard is set unless the:
• Service life of the system is expired
• Vessel is taken out of service (no transferring systems)
• Vessel undergoes “a major conversion” (definition of “constructed”)
OTHER SECTIONS

807
• Vessels can discharge to off-vessel facilities for the treatment of their ballast water

808
• States’ requirements for discharges incidental to the normal operation of a commercial vessel remain in place until new regulations are published

810
• States can enforce compliance

811
• Preempts states from regulating ballast water discharges and discharges incidental to normal operations of a commercial vessel
Questions?